

**AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT AND ARREST WARRANT**

I, **Ivys Rosado-Diaz**, being first duly sworn, hereby depose and state as follows:

**INTRODUCTION AND AGENT BACKGROUND**

1. I am a Special Agent with the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) and have been so since May of 2015. I am a graduate of the Federal Law Enforcement Training Center, and the ATF National Academy in Glynco, GA. Prior to my employment with ATF, I was a Robbery Criminal Investigator for the Puerto Rico Police, assigned to the ATF Task Force for approximately two years and six months. In total, I have approximately twenty (20) years of law enforcement experience, twelve as a Puerto Rico Police Agent and nine (9) as an ATF Special Agent. I have received training in crime scene investigations, and the identification and management of evidence. I have a bachelor's degree and a master's degree in criminal justice. I also have a Ph.D. in Public Service Leadership from Capella University in Minneapolis, MN.

2. Your affiant is an "an investigative or law enforcement officer of the United States" within the meaning of Section 2510 (7) of Title 18, United States Code. Your affiant is, therefore, an officer of the United States who is empowered by law to conduct investigations of, and to make arrests for, the offenses enumerated in Section 2516 of Title 18, United States Code.

3. During my employment with the ATF, I have participated in weapons and narcotics investigations along with senior experienced SA's and Task Force Agents (TFAs). These investigations involved the unlawful possession of firearms, as well as importation, exportation, manufacture, possession with intent to distribute and distribution of narcotics (including cocaine, heroin, and crack cocaine, among other narcotics), and conspiracies associated with narcotic offenses. I also have vast experience in violent crime investigations, to include homicides, robberies, home invasions, and carjackings.

4. The facts in this affidavit come from my personal observations, my training and experience, and information obtained from other agents and witnesses. This affidavit is intended to show merely that there is sufficient probable cause for the requested warrant and does not set forth all my knowledge about this matter.

**FACTS IN SUPPORT OF PROBABLE CAUSE**

5. On January 21, 2025, at approximately 7:14pm, Puerto Rico Police Bureau (PRPB) Agents assigned to the Metropolitan Narcotics Division executed a State Search Warrant issued on January 15<sup>th</sup>, 2025, by a Municipal Judge in San Juan, Puerto Rico. The warrant issued was to search an apartment located at San Fernando Public Housing Project, building 4, unit number 87 (“the apartment”) in San Juan, Puerto Rico.

6. PRPB Agents stated that on the above-mentioned date and time, they arrived at the apartment, knocked and announced their presence as law enforcement officers, and after waiting for a reasonable amount of time, they breached the front door gaining access to the unit.

7. PRPB Agents encountered a male and a female around the living room where they were detained in place. After conducting a security sweep for other people, Agents advised the occupants that they had a search warrant for the apartment. The male subject that was in the apartment was identified as Patrick O’Neill **COLON-AVILES**.

8. During the execution of the search warrant, Agents seized the following, but not limited to:

- a. One (1) Glock pistol, model 17, Gen 5, serial number AGAM425, with an automatic conversion device installed on the slide “CHIP”, with One (1) round of ammunition in the chamber and twenty-three (23) rounds in the magazine.
- b. Two (2) pistol magazines, loaded with twenty-four (24) rounds and thirty-one (31) rounds of 9mm ammunition respectively.
- c. One (1) 7.62x39 rifle magazine.
- d. Nineteen (19) plastic vials containing green leaf substance that field tested positive to marijuana.
- e. Four (4) 2-way radios/scanners.
- f. Paraphernalia.

9. On January 22, 2025, ATF Agents advised **COLON-AVILES** of his Miranda Rights. **COLON-AVILES** invoked his right to have an Attorney present, therefore no statements were made to ATF Agents.

10. The investigation revealed that **COLON-AVILES** has been residing in the apartment for approximately one year.

11. ATF Agents conducted a criminal justice database query that revealed that **COLON-AVILES** has been convicted of a crime (felony) that is punishable by more than one year of imprisonment.

12. Criminal Justice database records also show that **COLON-AVILES** is currently serving a 3-year State Probation for firearms violations. ATF Agents confirmed the conviction with **COLON-AVILES's** State Probation Officer who stated that he began serving probation in March 2024. Any arrest with firearms or narcotics would be a violation of **COLON-AVILES's** conditions for probation.

13. The investigation further revealed that no firearms or ammunition, including those described above, are manufactured in Puerto Rico, therefore, an ATF Special Agent preliminary determined that the firearm and ammunition seized affected, and/or traveled in interstate or foreign commerce.

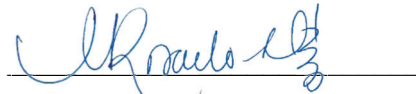
14. Furthermore, ATF Agents examined the firearm and observed that it had an automatic conversion device installed on the slide, commonly known as a "chip". Based on my training, knowledge and experience with ATF, the chip on the Glock was not installed by the manufacturer and was placed on the firearm with the sole purpose of illegally modifying it to fire fully automatic, meaning that it could expel more than one shot, without manual reloading, by a single function of the trigger. The chip can be readily observed by anyone who loads, unloads, charges, cleans, or disassembles the firearm because there is a high contrast between the chip and the slide of the firearm. A field functionality test conducted on the Glock pistol, serial number AGAM425, revealed that this firearm might be capable to fire fully automatic.



**CONCLUSION**

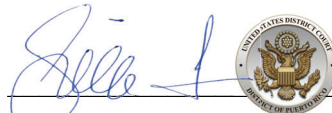
15. Based on the above facts, the undersigned affiant believes there is probable cause to charge **COLON-AVILES** with violations of Title 18, United States Code, § 922(g)(1) (Felon in Possession of a Firearm and Ammunition) and 18 United States Code, § 922(o) (Possession of a machinegun).

Affiant hereby declares that the foregoing is true and correct to the best of Affiant's knowledge pursuant to the investigation conducted in this matter.



Ivys J. Rosado-Diaz  
Special Agent  
Bureau of Alcohol, Tobacco,  
Firearms and Explosives (ATF)

Sworn in accordance with FRCP 4.1 at 6:30 PM on the 22<sup>nd</sup> day of January of 2025.



Honorable Giselle López-Soler  
United States Magistrate Judge  
District of Puerto Rico



Digitally signed by  
Hon. Giselle López-

Soler